



CITY COUNCIL Agenda

Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

July 13, 2021, 6 p.m.

Welcome to Your City Council Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

How to Watch

The City of Carlsbad provides three ways to watch a City Council meeting:

In Person



Most City Council meetings take place at City Hall, 1200 Carlsbad Village Drive

On TV



Watch live and replays of meetings on Charter Spectrum channel 24 and AT&T U-verse channel 99

Online



Watch the livestream and replay past meetings on the city website, www.carlsbadca.gov

How to Participate

If you would like to provide comments to the City Council, please:

- Fill out a speaker request form, located in the foyer.
- Submit the form to the City Clerk before the item begins.
- When it's your turn, the City Clerk will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the mayor) changes that time.
- You may not give your time to another person, but groups can select a single speaker as long as three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer or the City Council.

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 760-434-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or manager@carlsbadca.gov by noon on the Monday before the meeting to decide.

More information about City Council meeting procedures can be found at the end of this agenda and in the Carlsbad Municipal Code chapter 1.20.

The City Council also sits as the Carlsbad Municipal Water District Board, Public Financing Authority Board, Community Development Commission and Successor Agency to the Redevelopment Agency. When considering items presented to the Carlsbad Municipal Water District Board, each member receives an additional \$100 per meeting (max \$300/month). When considering items presented to the Community Development Commission each member receives an additional \$75 per meeting (max \$150/month).

CALL TO ORDER: 6 p.m.

ROLL CALL: Hall, Blackburn, Acosta, Bhat-Patel.

ANNOUNCEMENT OF CONCURRENT MEETINGS: City Council is serving as the Carlsbad Municipal Water District on Consent Item No. 9.

INVOCATION: None.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Blackburn led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Minutes of the Regular Meeting held May 11, 2021

Minutes of the Regular Meeting held June 8, 2021

Minutes of the Regular Meeting held June 22, 2021

Minutes of the Special Meeting held June 23, 2021

ACTION: Minutes approved as presented – 4/0.

PRESENTATIONS:

Proclamation in recognition of Parks and Recreation Month

Proclamation in recognition of Library Board Trustee Dr. A. Sandy Parsons

Recognition of donation from the Carlsbad Friends of the Library

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:

PUBLIC COMMENT: *The Brown Act allows any member of the public to comment on items not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act, a total of 15 minutes is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The City Council will receive comments as requested up to a total of 15 minutes in the beginning of the meeting. All other comments will be heard at the end of the meeting. In conformance with the Brown Act, no action can occur on these items.*

CONSENT CALENDAR: *The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed below. There will be no separate discussion on these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action.*

WAIVER OF ORDINANCE TEXT READING:

This is a motion to waive the reading of the text of all ordinances and resolutions at this meeting.

1. **REPORT ON CITY INVESTMENTS AS OF MAY 31, 2021** – Accept and file Report on City Investments as of May 31, 2021. (Staff contact: Craig Lindholm and Laura Rocha, Administrative Services Department)

ACTION: Council received the report.

2. **PURCHASE OF EXCESS WORKERS' COMPENSATION COVERAGE THROUGH SAFETY NATIONAL CASUALTY CORPORATION** – Adoption of a resolution approving the purchase of excess workers' compensation coverage through Safety National Casualty Corporation for FY 2021-22 in an

amount not to exceed \$259,270. (Staff contact: Sarah Reiswig and Judy von Kalinowski, Administrative Services Department)

ACTION: Adopted Resolution No. 2021-159 – 4/0.

3. PURCHASE OF EXCESS LIABILITY COVERAGE THROUGH CALIFORNIA INSURANCE POOL AUTHORITY

Adoption of a resolution approving the purchase of a maximum of \$43 million of excess liability coverage through California Insurance Pool Authority for fiscal year 2021-22 in an amount not to exceed \$753,424. (Staff contact: Ed Garbo, Administrative Services Department)

ACTION: Adopted Resolution No. 2021-160 – 4/0.

4. PURCHASE OF \$100 MILLION OF PROPERTY INSURANCE COVERAGE THROUGH AON

– Adoption of a resolution approving the purchase of \$100 million of property insurance coverage through Aon for FY 21-22 in an amount not to exceed \$386,834. (Staff contact: Ed Garbo, Human Resources)

ACTION: Adopted Resolution No. 2021-161 – 4/0.

5. ACCEPTING A \$36,575 PLEDGE OF DIRECT SUPPORT FROM THE CARLSBAD FRIENDS OF THE LIBRARY

– Adoption of a resolution accepting a \$36,575 pledge of direct support from the Carlsbad Friends of the Library to the City of Carlsbad’s Library & Cultural Arts Department. (Staff contact: Suzanne Smithson, Library & Cultural Arts)

ACTION: Adopted Resolution No. 2021-162 – 4/0.

6. AGREEMENT FOR PARKS MAINTENANCE SERVICES, WORK CATEGORY B TO WEST COAST ARBORISTS INC.

– Adoption of a resolution awarding an agreement for Parks Maintenance Services, Work Category B – Trees, to West Coast Arborists, Inc. in an amount not to exceed \$1,224,898 per year, during the initial two-year term of the agreement. (Staff contact: Tim Selke, Parks & Recreation)

ACTION: Adopted Resolution No. 2021-163 – 4/0.

7. CONSTRUCTION CONTRACT AND COOPERATIVE PURCHASE AGREEMENT FOR THE POINSETTIA COMMUNITY PARK PHASE IV IMPROVEMENTS PROJECT, CIP NO. 4608

– Adoption of a resolution awarding a construction contract to Senitica Construction, Inc. for the Poinsettia Community Park Phase IV Improvements Project, CIP No. 4608 in an amount not to exceed \$1,870,600; authorizing the cooperative purchase through the use of a California Multiple Award Schedule Contract, for a pre-engineered restroom building kit from Romtec, Inc., in an amount not to exceed \$175,957; and appropriating \$25,000 in additional funds from the public facilities fee fund. (Staff contact: Tim Selke, Parks & Recreation)

ACTION: Adopted Resolution No. 2021-164 – 4/0.

8. ADVERTISE FOR BIDS FOR THE VILLAS LIFT STATION REPLACEMENT PROJECT, CIP NO. 5550

– Adoption of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids for the Villas Lift Station Replacement Project, CIP No. 5550. (Staff contact: Vicki Quiram and Dave Padilla, Public Works)

ACTION: Adopted Resolution No. 2021-165 – 4/0.

9. MUTUAL AID AGREEMENT FOR EMERGENCY ASSISTANCE AMONG THE SAN DIEGO COUNTY WATER AUTHORITY AND ITS MEMBER AGENCIES

– 1) Adoption of a CMWD resolution authorizing the General Manager to execute a Mutual Aid Agreement with the San Diego County Water Authority and its member agencies to provide and receive emergency assistance; and

2) Adoption of a CMWD resolution authorizing the General Manager to assist or request such

assistance in the event of an emergency to ensure that the San Diego County Water Authority and its member agencies can provide water services and safeguard the public's water system. (Staff contact: Vicki Quiram, Public Works)

**ACTION: Adopted CMWD Resolution No. 1659; and
Adopted CMWD Resolution No. 1660 – 4/0.**

ORDINANCES FOR INTRODUCTION: None.

ORDINANCES FOR ADOPTION: None.

PUBLIC HEARINGS:

10. FISCAL YEAR 2021-22 FINAL ENGINEER'S REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING AND LANDSCAPING DISTRICT NO. 1, A SPECIAL ASSESSMENT DISTRICT
Adoption of a resolution confirming the diagram and assessment and providing for the levy of the annual assessment for FY 21-22 for Street Lighting and Landscaping District No. 1, a special assessment district. (Staff contact: Jason Rosado, Administrative Services Department)

City Manager's Recommendation: Take public input, close the public hearing and adopt the resolution.

ACTION: Adopted Resolution No. 2021-166 – 4/0.

11. FISCAL YEAR 2021-22 FINAL ENGINEER'S REPORT FOR THE ANNUAL LEVY OF ASSESSMENTS WITHIN STREET LIGHTING AND LANDSCAPING DISTRICT NO. 2, A SPECIAL ASSESSMENT DISTRICT
Adoption of a resolution confirming the diagram and assessment and providing for the levy of the annual assessment for FY 21-22 for Street Lighting and Landscaping District No. 2, a special assessment district. (Staff contact: Jason Rosado, Administrative Services Department)

City Manager's Recommendation: Take public input, close the public hearing and adopt the resolution.

ACTION: Adopted Resolution No. 2021-167 – 4/0.

12. CREDIT CARD FEES – Adoption of a resolution adopting the addition of a credit card fee on the city's Master Fee Schedule. (Staff contact: Ryan Green, Administrative Services Department)

City Manager's Recommendation: Take public input, close the public hearing and adopt the resolution.

ACTION: Adopted Resolution No. 2021-168 as amended – 4/0 (see minutes for details).

13. CONSIDER AN APPEAL OF A PLANNING COMMISSION DECISION TO APPROVE A FOUR-UNIT RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT 320 HEMLOCK AVE – Adoption of a resolution denying the appeal and upholding the decision of the Planning Commission to approve a Planned Development Permit, Site Development Plan, Coastal Development Permit, and Tentative Parcel Map to demolish an existing single-family home and construct a four-unit, residential air-space condominium project on a 0.19-acre in-fill site located at 320 Hemlock Avenue, within Mello II segment of the Local Coastal Program and Local Facilities Management Zone 1. (Case Name: Hemlock Coast Homes; Case No.: PUD 2020-0001/SDP 2020-0004/CDP 2020-0042/MS 2020-0003 (DEV2020-0023)) (Staff contact: Chris Garcia, Community Development)

City Manager's Recommendation: Take public input, close the public hearing and adopt the resolution.

ACTION: Adopted Resolution No. 2021-169 – 4/0.

DEPARTMENTAL AND CITY MANAGER REPORTS:

14. **OPTIONS TO PRESERVE OPEN SPACE AND RECREATION IN THE SOUTHWEST QUADRANT** – Receive a report in response to the City Council's Jan. 26, 2021 direction for staff to present a report within six months with viable strategies regarding Planning Area F and other coastal properties to preserve open space and recreation and provide direction to staff as appropriate. (Staff contact: Jeff Murphy, Community Development)

City Manager's Recommendation: Receive the report and provide direction to staff as appropriate.

ACTION: Council received the report.

15. **MAYORAL APPOINTMENT OF TWO MEMBERS TO THE LIBRARY BOARD OF TRUSTEES** – 1) Adoption of a resolution appointing one member to the Library Board of Trustees; and 2) Adoption of a resolution appointing one member to the Library Board of Trustees. (Staff contact: Tammy McMinn, City Clerk's Department)

City Manager's Recommendation: Adopt the resolutions.

ACTION: Adopted Resolution No. 2021-170 appointing Stan Schatt; and
Adopted Resolution No. 2021-171 appointing William Sheffler – 4/0.

COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:

City Council Regional Assignments (Revised 1/12/21)

Matt Hall
Mayor

North County Mayors and Managers
Chamber of Commerce Liaison (primary)
San Diego County Water Authority
SANDAG Board of Directors (primary)
City Council Legislative Subcommittee
Economic Development Subcommittee
Homeless Action Committee

Keith Blackburn
Mayor Pro Tem – District 2

Buena Vista Lagoon JPC
Encina Joint Powers JAC
Encina Wastewater Authority Board of Directors
SANDAG Board of Directors (2nd alternate)
SANDAG Shoreline Preservation Working Group (alternate)
Carlsbad Municipal Code and City Council Policy Update Subcommittee

Priya Bhat-Patel
Council Member – District 3

SANDAG Board of Directors (1st alternate)
SANDAG Shoreline Preservation Working Group (primary)
North County Transit District (primary)
City/School Committee
Clean Energy Alliance JPA (primary)
League of California Cities – SD Division (alternate)
Economic Development Subcommittee

Council Member – District 1 Buena Vista Lagoon JPC
Encina Joint Powers JAC
Encina Wastewater Authority Board of Directors
League of California Cities – SD Division
North County Dispatch Joint Powers Authority (alternate)
Carlsbad Municipal Code and City Council Policy Update Subcommittee
Homeless Action Subcommittee

Teresa Acosta City/School Committee
Council Member – District 4 Chamber of Commerce Liaison (alternate)
Encina Wastewater Authority Board of Directors (alternate)
North County Dispatch Joint Powers Authority
City Council Legislative Subcommittee
Clean Energy Alliance JPA (alternate)
North County Transit District (alternate)

PUBLIC COMMENT: Continuation of the Public Comments

This portion of the agenda is set aside for continuation of public comments, if necessary, due to exceeding the total time allotted in the first public comments section. In conformance with the Brown Act, no Council action can occur on these items.

ANNOUNCEMENTS:

This section of the Agenda is designated for announcements to advise the community regarding events that Members of the City Council have been invited to, and may participate in.

Minute Motion by Mayor Hall, seconded by Council Member Bhat-Patel, to hold the July 20, 2021 City Council meeting in person – 4/0.

In accordance with Carlsbad Municipal Code (CMC) Section 20.20.20, notice is hereby given that the City Engineer has reviewed and, immediately following this City Council Meeting of July 13, 2021 will approve the following final map:

Carlsbad Tract CT 2017-0006, located generally at 2569 Roosevelt Street.

Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- 1) The map substantially conforms to the approved tentative map, and approved alterations thereof and any conditions of approval imposed with said tentative map.
- 2) The map complies with the provisions of the Subdivision map Act and any local ordinances applicable at the time of approval of the tentative map.
- 3) The map is technically correct.

Said map will be finalized and recorded, unless an interested party files a valid appeal of the City Engineer's action to City Council no later than 10 calendar days from the date of the City Engineer's action. The appeal shall specifically state the reason(s) for the appeal; see CMC Section 20.20.165 and 21.54.150.

If you have any question about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact the City Clerk's Office at (760) 434-2808.

CITY MANAGER COMMENTS:

CITY ATTORNEY COMMENTS:

ADJOURNMENT: 10:42 p.m.

City Council Meeting Procedures (*continued from page 1*)

Written Materials

Written materials related to the agenda that are submitted to the City Council after the agenda packet has been published will be available for review prior to the meeting during normal business hours at the City Clerk's office, 1200 Carlsbad Village Drive and on the city website. To review these materials during the meeting, please see the City Clerk

Visual Materials

Visual materials, such as pictures, charts, maps or slides, are allowed for comments on agenda items, not general public comment. Please contact the City Manager's Office at 760-434-2820 or manager@carlsbadca.gov to make arrangements in advance. All materials must be received by the City Manager's Office no later than noon the day before the meeting. The time spent presenting visual materials is included in the maximum time limit provided to speakers. All materials exhibited to the City Council during the meeting are part of the public record. **Please note that video presentations are not allowed.**

Decorum

All participants are expected to conduct themselves with mutual respect. Loud, boisterous and unruly behavior can interfere with the ability of the City Council to conduct the people's business. That's why it is illegal to disrupt a City Council meeting. Following a warning from the presiding officer, those engaging in disruptive behavior are subject to law enforcement action.

City Council Agenda

The City Council follows a regular order of business that is specified in the Carlsbad Municipal Code. The City Council may only make decisions about topics listed on the agenda.

Presentations

The City Council often recognizes individuals and groups for achievements and contributions to the community. Well-wishers often fill the chamber during presentations to show their support and perhaps get a photo. If you don't see an open seat when you arrive, there will likely be one once the presentations are over.

Consent Items

Consent items are considered routine and may be enacted together by one motion and vote. Any City Council member may remove or "pull" an item from the "consent calendar" for a separate vote. Members of the public may pull an item from the consent calendar by requesting to speak about that item. A speaker request form must be submitted to the clerk prior to the start of the consent portion of the agenda.

Public Comment

Members of the public may speak on any city related item that does not appear on the agenda. State law prohibits the City Council from taking action on items not listed on the agenda. Comments requiring follow up will be referred to staff and, if appropriate, considered at a future City Council meeting. Members of the public are also welcome to provide comments on agenda items during the portions of the meeting when those items are being discussed. In both cases, a request to speak form must be submitted to the clerk in advance of that portion of the meeting beginning.

Public Hearing

Certain actions by the City Council require a "public hearing," which is a time within the regular meeting that has been set aside and noticed according to different rules.

Departmental Reports

This part of the agenda is for items that are not considered routine and do not require a public hearing. These items are usually presented to the City Council by city staff and can be informational in nature or require action. The staff report about each item indicates the purpose of the item and whether or not action is requested.

Other Reports

At the end of each meeting, City Council members and the city manager, city attorney and city clerk are given an opportunity to share information. This usually includes reports about recent meetings, regional issues, and recent or upcoming meetings and events.

City Council Actions

Resolution

A resolution is an official statement of City Council policy that directs administrative or legal action or embodies a public City Council statement. A resolution may be introduced and adopted at the same meeting. Once adopted, it remains City Council policy until changed by subsequent City Council resolution.

Ordinance

Ordinances are city laws contained in the Carlsbad Municipal Code. Enacting a new city law or changing an existing one is a two-step process. First, the ordinance is “introduced” by city staff to the City Council. If the City Council votes in favor of the introduction, the ordinance will be placed on a subsequent City Council meeting agenda for “adoption.” If the City Council votes to adopt the ordinance, it will usually go into effect 30 days later.

Motion

A motion is used to propose City Council direction related to an item on the agenda. Any City Council member may make a motion. A motion must receive a “second” from another City Council member to be eligible for a City Council vote.